



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER:** 40.46

**TITLE:** U-VISA

**SERIES NUMBER:** 40

**SERIES TITLE / SUBJECT:** Law Enforcement Operations

**TOPICS / REFERENCE:** Temporary Visas for Non Residents Who Are Victims of Crimes

**APPENDICIES:** A

**ORIGINAL / EFFECTIVE ISSUE DATE:** April 4, 2013

**DATE OF LAST REVISION:** May 01, 2013

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED:**

**CALEA STANDARDS:**

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### Policy:

It is the policy of the Rockford Police Department to coordinate and refer persons who are victims of crime and helpful to law enforcement to the Winnebago County State's Attorney's Office for determination of eligibility for the U-visa. The Rockford Police Department will not serve as the main point of contact for the U-visa process.

### Purpose:

The purpose of this General Order is to establish procedures and guidelines for members of this Department when dealing with the U-visa process.

These guidelines are not meant to be all-inclusive.

This Order is comprised of the following numbered sections:

- I. Definitions
- II. Responsibilities
- III. Procedures
- IV. Effective Date
- V. Reviews, revisions and Cancellations

## Appendices:

### A. U.S. Citizen and Immigration Services Fact Sheet on Certifying U Nonimmigration Status

#### I. Definitions:

- A. U-visa: The U-visa was created through the Violence Against Women Act. The law provides temporary legal status to immigrant victims of crime. Eligibility Requirements include the person has suffered a substantial or mental abuse as a result of being a victim of one or more specific criminal activities; the person possesses information about those criminal activities; the person helps or is willing to help with the detection, investigation or prosecution of criminal activities; and the person was a victim of criminal activities that occurred in the United States or that violated the country's laws. Applications must be submitted to the Department of Homeland Security's U.S.
- B. Certifying Agency:
1. Federal, State or local law enforcement agencies; or
  2. Other agencies that have criminal investigative jurisdiction in their respective areas of expertise such as child protective services, the Equal Opportunity Commission and the Department of Labor.
- C. Helpful: Assisting law enforcement authorities in the investigation or prosecution of qualifying criminal activity of which he or she is a victim/witness. Victims/witnesses who, after cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim/witness to be helpful. The certifying agency will make the determination as to the helpfulness of the petitioner.
- D. Qualifying Criminal Activities:
- |                             |                          |                               |
|-----------------------------|--------------------------|-------------------------------|
| • Abduction                 | • Incest                 | • Rape                        |
| • Abusive Sexual Content    | • Involuntary Servitude  | • Sexual Assault              |
| • Blackmail                 | • Kidnapping             | • Sexual Exploitation         |
| • Domestic Violence         | • Manslaughter           | • Slave Trade                 |
| • Extortion                 | • Murder                 | • Torture                     |
| • False Imprisonment        | • Obstruction of Justice | • Trafficking                 |
| • Female Genital Mutilation | • Peonage                | • Witness Tampering           |
| • Felonious Assault         | • Perjury                | • Unlawful Criminal Restraint |
| • Hostage                   | • Prostitution           | • Other Related Crimes        |
- E. The Department: The Rockford Police Department
- F. Members: All sworn and non-sworn personnel of the Department

#### II. Responsibilities:

- A. After the initial issuance of this Order, all Department members will receive training regarding the Order. The Training Unit will provide this training and provide refresher training on this policy every three years.

## III. Procedures:

- A. When any person or persons makes an inquiry to the Department seeking any information regarding a U-visa, Department members will refer all persons to the certifying agency.
- B. Department members shall only refer persons inquiring about U-visas to the certifying agency.
- C. If Department members have any additional questions about the u-visa process, they should direct their questions to the commander of the Investigative Services Bureau or on-call commander.
- D. The Winnebago County State's Attorney's Office will be the certifying agency for the purpose of this Order.

## IV. Effective Date:

- A. The effective date of this Order is April 4, 2013.

## V. Reviews, Revisions and Cancellations:

- A. This General Order will be reviewed annually by Commander of the Investigative Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
- B. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Investigative Services Bureau.

BY ORDER OF

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Chet Epperson  
Chief of Police

# Appendix A



Office of Communications  
**U.S. Citizenship  
and Immigration  
Services**

September 5, 2007

## Fact Sheet

### **CERTIFYING U NONIMMIGRANT STATUS**

#### *U Nonimmigrant Status Certification (Form I-918, Supplement B)*

An alien victim of criminal activity may file for U Nonimmigrant Status – status set aside for victims of crimes who have suffered substantial mental or physical abuse because of the activity and who also are willing to assist law enforcement agencies or government officials in the investigation of that activity.

In order to file for that status, the alien must provide a certification from a federal, state, or local law enforcement official certifying the following:

- The alien has been a victim of qualifying criminal activity;
- The alien possesses information about the qualifying criminal activity; and
- The alien has been, is being or is likely to be helpful to the investigation and/or prosecution of that qualifying criminal activity.

This certification must be executed using the U Nonimmigrant Status Certification (Form I-918, Supplement B). USCIS will give the certification significant weight during adjudication; however, it alone will not be the sole evidence that a petitioner meets eligibility requirements. USCIS will look at the totality of the circumstances surrounding the petition before rendering a decision.

It is important to note that a certifying agency is under no legal obligation to complete this certification. However, the alien petitioner will be ineligible for U nonimmigrant status without one. **The petitioner is responsible for filing the completed certification with his/her initial Petition for U Nonimmigrant Status (Form I-918).**

Certifications shall be prepared by the certifying agency and should provide specific details about the nature of the crime being investigated and/or prosecuted and describe the petitioner's helpfulness in the case. Form I-918 Supplement B must be prepared by a certifying agency, and signed by a qualifying official within six months immediately preceding the alien's submission of Form I-918.

#### **U NONIMMIGRANT STATUS CERTIFICATION SPECIFICATIONS**

##### **Qualified certifying agencies include:**

- Federal, State or local law enforcement agencies; or
- Other agencies that have criminal investigative jurisdiction in their respective areas of expertise such as child protective services, the Equal Opportunity Commission and the Department of Labor.

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### **Certifying officials include:**

- The head of a qualifying certifying agency;
- Any person in a supervisory role in a qualifying agency who is specifically designated by the head of that agency to issue U nonimmigrant certifications; or
- Federal, State or local judges

### **Certification must contain an affirmation of the following:**

- The official signing the certificate is authorized to do so;
- The agency is a federal, state, or local law enforcement agency, prosecutor, judge, or other authority having responsibility for the detection, investigation, prosecution, conviction, or sentencing of a qualifying criminal activity;
- The petitioner has been a victim of a qualifying criminal activity;
- The petitioner possesses information regarding that activity;
- The petitioner has been, is being, or will likely be helpful to the investigation; and
- The criminal activity violated U.S. law, or occurred within the United States, or its territories and possessions.

### **Qualifying criminal activity includes:**

Abduction	Incest	Rape
Abusive Sexual Contact	Involuntary Servitude	Sexual Assault
Blackmail	Kidnapping	Sexual Exploitation
Domestic Violence	Manslaughter	Slave Trade
Extortion	Murder	Torture
False Imprisonment	Obstruction of Justice	Trafficking
Felonious Assault	Peonage	Unlawful Criminal Restraint
Female Genital Mutilation	Perjury	Witness Tampering
Hostage	Prostitution	Other Related Crimes

**Note:** Certifying agencies must notify USCIS in writing if, at any time, the petitioner unreasonably refuses to assist in the investigation of the criminal activity, or if the agency wishes to withdraw its certification for any other reason. Send that notice (including the alien's name, date of birth and A-file number (if available) along with the reason for the withdrawal of the certification to:

U.S. Citizenship and Immigration Services  
Vermont Service Center—U-visa Unit  
75 Lower Welden St.  
St. Albans, Vermont 05479-0001